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10 *Interim Class Counsel*

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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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17 *In re Trader Joe's Tuna Litigation*

Case No. 2:16-cv-01371-ODW-AJW

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20 **NOTICE OF MOTION FOR**
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

21 Date: October 22, 2018
22 Time: 1:30 p.m.
Courtroom: 5D, 5th Floor
23 Judge: Hon. Otis D. Wright II

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on October 22, 2018 at 1:30 p.m., or as soon thereafter as the matter may be heard by the above-captioned Court, located at the First Street Courthouse, Courtroom 5D - 5th Floor, 350 W 1st Street, Los Angeles, CA 90012, in the courtroom of the Honorable Otis D. Wright II, Plaintiff Atzimba Reyes will and hereby does move, pursuant to Fed. R. Civ. P. 23(e), for the Court to:

(i) grant preliminary approval of the proposed Stipulation for Class Action Settlement (“Settlement Agreement”); (ii) provisionally certify the Settlement Class¹ for the purposes of preliminary approval, designate Plaintiff Reyes as the Class Representative, and appoint Bursor & Fisher, P.A. as Class Counsel for the Settlement Class; (iii) establish procedures for giving notice to members of the Settlement Class; (iv) approve forms of notice to Settlement Class Members; (v) mandate procedures and deadlines for exclusion requests and objections; and (vi) set a date, time, and place for a final approval hearing.

This motion is made on the grounds that preliminary approval of the proposed class action settlement is proper, given that each requirement of Rule 23(e) has been met.

This motion is based on the attached Memorandum of Points and Authorities, the accompanying Declaration of L. Timothy Fisher, the Declaration of Carla Peak, the pleadings and papers on file herein, and any other written and oral arguments that may be presented to the Court.

This motion is made following the conference of counsel pursuant to Local Rule 7-3 which took place on August 24, 2018.

¹ All capitalized terms herein that are not otherwise defined have the definitions set forth in the Settlement Agreement, filed concurrently herewith. *See* Fisher Decl. Ex. 1.

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2 Dated: September 14, 2018

Respectfully submitted,

3 **BURSOR & FISHER, P.A.**

4 By: /s/ L. Timothy Fisher
5 L. Timothy Fisher

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